

IN UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

-----X  
XENOPHON PAPANIKOLAOU

**COMPLAINT - CIVIL AND  
ADMIRALTY**

Plaintiff,

-against-

ATLANTIC SHIP AGENCIES, INC.,  
CORONA SPECIAL MARITIME  
ENTERPRISE and KRISTEN  
NAVIGATION, INC.

Not a Class Action  
Suit by a seaman without  
Prepayment of Fees and  
Pursuant to to 28 U.S.C. §1916

Defendants.

-----X

**JURY TRIAL DEMANDED**

Plaintiff claims of the defendants damages upon the following causes of action:

**FIRST CAUSE OF ACTION**

1. Plaintiff is a seaman who resides in Greece.
2. Defendant ATLANTIC SHIP AGENCIES, INC. is a corporation which does business in the state in which this District Court sits.
3. Defendant CORONA SPECIAL MARITIME ENTERPRISE is a foreign company organized and existing pursuant to the law of Greece and located in Piraeus, Greece which does business in the state in which this District Court sits.
4. Defendant KRISTEN NAVIGATION, INC. is a foreign company organized and existing pursuant to the law of Greece and located in Piraeus, Greece which does business in the state in which this District Court sits.

5. The jurisdiction of this Court over this First Cause of Action arises under and by virtue of the Jones Act, 46 U.S.C. § 30401 et seq., the General Maritime Law and the Admiralty jurisdiction of the United States under 28 U.S.C. § 1333. Nothing in these jurisdictional allegations are to be construed as a waiver of the plaintiff's right to a jury trial in plaintiff's action at law under the Jones Act, nor of the right to have all of the claims asserted herein tried to a jury, at plaintiff's option, as permitted under Fitzgerald v. United States Lines Company, 374 U.S. 16 (1963).
6. At all times pertinent, the M/T ASTRO CORONA was and is an oceangoing tanker sailing under the flag of the nation of Greece.
7. At all times pertinent, the BREAKWATER was and is an oceangoing 48-foot motor crewboat tanker sailing under the flag of the United States of America..
8. At all times material hereto, defendant ATLANTIC SHIP AGENCIES, INC. was acting as agent of, in the interest of and on behalf of the defendant CORONA SPECIAL MARITIME ENTERPRISE.
9. At all times material hereto, defendant ATLANTIC SHIP AGENCIES, INC. was acting as agent of, in the interest of and on behalf of the defendant KRISTIN NAVIGATION, INC.
10. At all times material hereto, defendant ATLANTIC SHIP AGENCIES, INC. owned the M/T ASTRO CORONA.
11. At all times material hereto, ATLANTIC SHIP AGENCIES, INC. possessed the M/T ASTRO CORONA.
12. At all times material hereto, ATLANTIC SHIP AGENCIES, INC. managed the

M/T ASTRO CORONA.

13. At all times material hereto, ATLANTIC SHIP AGENCIES, INC. operated the M/T ASTRO CORONA.
14. At all times material hereto, ATLANTIC SHIP AGENCIES, INC. controlled the M/T ASTRO CORONA.
15. At all times material hereto, ATLANTIC SHIP AGENCIES, INC. was the M/T ASTRO CORONA.'s bareboat charterer, and/or was the owner pro hac vice thereof, in coastwise, inter-coastal and foreign commerce.
16. At all times material hereto CORONA SPECIAL MARITIME ENTERPRISE owned the M/T ASTRO CORONA.
17. At all times material hereto, CORONA SPECIAL MARITIME ENTERPRISE possessed the M/T ASTRO CORONA..
18. At all times material hereto, CORONA SPECIAL MARITIME ENTERPRISE managed the M/T ASTRO CORONA..
19. At all times material hereto, CORONA SPECIAL MARITIME ENTERPRISE operated the M/T ASTRO CORONA..
20. At all times material hereto, CORONA SPECIAL MARITIME ENTERPRISE controlled the M/T ASTRO CORONA..
21. At all times material hereto, CORONA SPECIAL MARITIME ENTERPRISE was the M/T ASTRO CORONA.'s bareboat charterer, and/or was the owner pro hac vice thereof, in coastwise, inter-coastal and foreign commerce.
22. At all times material hereto KRISTEN NAVIGATION, INC. owned the M/T

ASTRO CORONA.

23. At all times material hereto, KRISTEN NAVIGATION, INC. possessed the M/T ASTRO CORONA.
24. At all times material hereto, KRISTEN NAVIGATION, INC. managed the M/T ASTRO CORONA.
25. At all times material hereto, KRISTEN NAVIGATION, INC. operated the M/T ASTRO CORONA.
26. At all times material hereto, KRISTEN NAVIGATION, INC. controlled the M/T ASTRO CORONA.
27. At all times material hereto, KRISTEN NAVIGATION, INC. was the M/T ASTRO CORONA.'s bareboat charterer, and/or was the owner pro hac vice thereof, in coastwise, inter-coastal and foreign commerce.
28. At all times material hereto DELAWARE BAY LAUNCH SERVICES, INC. owned the vessel BREAKWATER.
29. At all times material hereto, DELAWARE BAY LAUNCH SERVICES, INC. possessed the BREAKWATER
30. At all times material hereto, DELAWARE BAY LAUNCH SERVICES, INC. managed the BREAKWATER.
31. At all times material hereto, DELAWARE BAY LAUNCH SERVICES, INC. operated the BREAKWATER
32. At all times material hereto, DELAWARE BAY LAUNCH SERVICES, INC. controlled the BREAKWATER.



33. At all times material hereto, DELAWARE BAY LAUNCH SERVICES, INC. was the vessel BREAKWATER's bareboat charterer, and/or was the owner pro hac vice thereof, in coastwise, inter-coastal and foreign commerce.
34. The vessel BREAKWATER presently is, or during the pendency of this action, will be within the Federal Judicial District in which this action has been commenced.
35. On or about April 27, 2005, plaintiff was in the employ of the defendant CORONA SPECIAL MARITIME ENTERPRISE as a member of the crew of the vessel M/T ASTRO CORONA at the rate of pay and for the term set forth in his employment contract, and/or the shipping articles, with the entitlement to bonus, found and overtime.
36. On or about April 27, 2005, plaintiff was in the employ of the defendant KRISTEN NAVIGATION, INC. as a member of the crew of the vessel M/T ASTRO CORONA at the rate of pay and for the term set forth in his employment contract, and/or the shipping articles, with the entitlement to bonus, found and overtime.
37. On or about April 27, 2005, plaintiff, while the vessels M/T ASTRO CORONA and BREAKWATER were in navigable waters, specifically Delaware Bay, plaintiff, in the course of his employment, pursuant to orders and while in the performance of his duties, because of the unsafe and unseaworthy condition of the vessels and the negligence of the defendants, was caused to sustain the serious injuries more specifically set forth hereunder.
38. On or about April 27, 2005, plaintiff, while in the course of his employment, and with the consent and knowledge of each of the defendants, was performing labors in

furtherance of the M/T ASTRO CORONA's owners' business. While in the process of so doing, plaintiff was caused to suffer the serious injuries more fully set forth herein.

39. The defendants had a non-delegable duty to provide plaintiff a safe place to work.
40. Plaintiff's injuries were caused by the negligence of the defendants jointly and severally, by their agents, servants, workmen and employees and by the unseaworthiness of the vessel, and by the defendants' breach of their obligation to provide prompt and adequate medical care, treatment, maintenance and cure.
41. Solely by reason of the negligence of the defendants jointly and severally, and the unseaworthiness of the vessels as set forth above, plaintiff's muscles, nerves, tendons, blood vessels and ligaments were severely wrenched, sprained, bruised and otherwise injured; he sustained herniated disks in his spine; he sustained internal injuries, the full extent of which is not yet known; he sustained severe injury and shock to his nerves and nervous system; he has in the past required and will in the future require medical treatment, care and attention; he has in the past been and will in the future be obliged to expend monies and incur obligations for medical care and attention; he has in the past suffered and will in the future continue to suffer agonizing aches, pains and mental anguish; he has in the past been, presently is, and will in the future, continue to be disabled from performing his usual duties, occupations and avocations; and has in the past, and will in the future, suffer a loss of earnings.
42. By reason of the foregoing, plaintiff claims compensatory damages in an amount to be determined by the trier of fact.

**SECOND CAUSE OF ACTION**

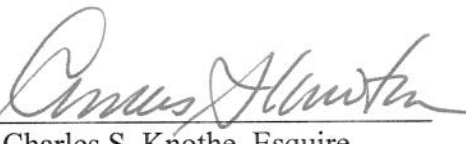
43. Plaintiff claims of the defendant KRISTEN NAVIGATION, INC. maintenance, cure and wages, and if warranted, punitive damages and attorneys fees, in such amount as may be determined by the Court upon the following cause of action:
44. Plaintiff repeats and realleges each and every of the foregoing allegations with the same force and effect as if fully set forth and repeated herein.
45. The jurisdiction of this Court over this second cause of action arises under and by virtue of the Admiralty jurisdiction of the District Courts of the United States.
46. Because of plaintiff's injuries, as aforesaid, plaintiff is entitled to maintenance and cure which is unpaid.
47. Plaintiff, by virtue of his service upon the said vessel, claims maintenance, cure and wages and, if warranted, punitive and exemplary damages and attorneys fees in an amount which the Court shall deem just and proper upon the trial of this cause.
48. All and singular, the premises contained in the second cause of action are true and within the Admiralty and Maritime jurisdiction of the United States and this Honorable Court.

WHEREFORE, plaintiff prays that judgment be entered against the defendants, and,

1. That citation issue against defendant ATLANTIC SHIP AGENCIES, INC. to appear and answer all the matters aforesaid;
3. That citation issue against defendant CORONA SPECIAL MARITIME ENTERPRISE to appear and answer all the matters aforesaid;

4. That citation issue against defendant KRISTEN NAVIGATION, INC. to appear and answer all the matters aforesaid;
- 5 That this Honorable Court enter judgment for plaintiffs in accordance with the sums set forth as aforesaid together with interest, costs and counsel fees;
6. That judgment be entered against the defendants for compensatory damages in the amount found by the trier of fact, and for such maintenance, cure and wages as the Court may determine to be due and owing upon the trial of this cause, and for such interest, costs, punitive damages and counsel fees as the Court may deem just and proper.

Charles S. Knothe, P. A.

By: 

Charles S. Knothe, Esquire  
Attorney for Plaintiff  
14 The Commons  
3516 Silverside Road  
Wilmington, DE 19810  
(302) 478-8800

HOFMANN & ASSOCIATES  
Attorneys for Plaintiff  
Lawrence A. Arcell  
360 West 31<sup>st</sup> Street  
Suite 1506  
New York, New York 10001  
Phone: 212-465-8840  
Fax: 212-465-8849



JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

XENOPHON PAPANIKOLAOU

(b) County of Residence of First Listed Plaintiff GREECE

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

ATLANTIC SHIP AGENCIES, INC., CORONA SPECIAL MARITIME ENTERPRISE, KRISTEN NAVIGATION, INC., and

County of Residence of First Listed Defendant NEW JERSEY

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                       |   |                            |                            |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input checked="" type="checkbox"/> 3 | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input checked="" type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):  
46 USC 30104, GENERAL MARITIME LAWS

Brief description of cause:

MARITIME PERSONAL INJURY IN DELAWARE BAY**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Joseph J. Farnan, Jr.DOCKET NUMBER CA 06-595-JJF

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

FILED  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2008 APR 17 AM 10:10

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 2-1-8

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 4 COPIES OF AO FORM 85.

4-17-08  
(Date forms issued)

[Signature]  
(Signature of Party or their Representative)

Jason Stowell  
(Printed name of Party or their Representative)

**Note: Completed receipt will be filed in the Civil Action**